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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH**

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**EDUARDO ROMERO MEJIA,**

**Plaintiff,**

**v.**

**GEOFFREY KIRK, ET AL,**

**Defendant.**

**ORDER ADOPTING AND AFFIRMING  
REPORT AND RECCOMENDATION**

**Case No. 2:22-cv-00542-DAK-DBP**

**Judge Dale A. Kimball**

**Magistrate Judge Dustin B. Pead**

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This case was assigned to United States District Judge Dale A. Kimball, who referred it to United States Magistrate Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). [ECF No. 1] On October 12, 2023, Magistrate Judge Pead issued a Report and Recommendation recommending that the court dismiss this action without prejudice and deem Defendants' motion as moot because:

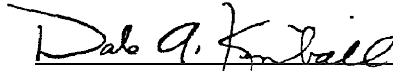
- (I) Qualified immunity applies, barring his claim;
- (II) Mr. Mejia cannot demonstrate the officers lacked probable cause to arrest him on suspicion of driving under the influence of marijuana; and
- (III) Mr. Mejia has not responded to either the court's Order to Show Cause or Defendants' Motion for Summary Judgment.

[ECF No. 23] The Report and Recommendation also notified Mr. Mejia that he must file any objection within 14 days after receiving it. Mr. Mejia did not file an objection to the Report and Recommendation within those 14 days.

The court has reviewed the docket and Judge Pead's Report and Recommendation and adopts and affirms the Report and Recommendation in its entirety. Accordingly, the court holds that this case is DISMISSED without prejudice and Defendants' motion is deemed MOOT.

DATED this the 2nd day of November 2023.

BY THE COURT:

  
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DALE A. KIMBALL  
United States District Judge